

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

v.

(1) JENNIFER ESMERALDA PENA,

Defendant.

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EP-24-CR-00071-DCG (1)

ORDER DENYING DEFENDANT’S MOTION TO UNSEAL

Pending before the Court is Defendant Jennifer Esmeralda Pena’s Motion to Unseal records. (ECF No. 71). Defendant is requesting to have records unsealed from a different case that the undersigned is not presiding over, *United States v. Justin Francisco Sandoval*, No. 3:23-CR-01379 (W.D. Tex. June 20, 2024). Mot. Unseal, ECF No. 71. The Government opposes the Motion. Resp. ECF No. 73.

Defendant has not provided any caselaw, nor is the Court aware of such, suggesting that this Court has the authority to direct another judge in this District to vacate her sealing order. The Court did locate caselaw that determined courts lack such authority to do so. *See Crosby v. U.S. Soc. Security Admin.*, No. 23-CV-108-LM, 2023 WL 7000834, at *1 (D.N.H. Mar. 21, 2023) (holding that the court lacked the authority to unseal records in a different case with a different judge); *see also Buturla v. AWTY Prods. LLC*, No. 12-CV-01758, 2015 WL 6942042, at *3 (D. Conn. Nov. 10, 2015) (requiring defendant to file a motion to unseal to the judge that issued the order). The Court agrees that it does not possess the authority to unseal the records that Defendant is requesting.¹

¹ The Court takes no position on whether Defendant can file a Motion to unseal in the original case.

While the Court does not have authority to direct another District Judge to unseal records, that does not excuse the Government in any capacity from disclosing information pursuant to its obligations under *Brady*, *Giglio*, and all other applicable law. To the extent that the Government is uncertain as to whether certain documents or information require disclosure, it shall submit them to the Court for an in-camera inspection.

Accordingly, Defendant's Motion to Unseal Records (ECF No. 71) is **DENIED**.

SO ORDERED and SIGNED this 7th day of February 2025.

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written over a horizontal line.

DAVID C. GUADERRAMA
SENIOR U.S. DISTRICT JUDGE